

Remarks

Claims 1-31 are now pending in this application. Applicants have amended claims 1-4, 6, 7, 9, 13-16 and 18-27 and added new claims 28-31 to clarify the present invention. Applicants respectfully request favorable reconsideration of this application.

The Examiner objected to claims 21-27 as not including steps in a gerund form. Applicants have amended these claims to recite steps in a gerund form. Accordingly, Applicants respectfully request withdrawal of this rejection.

The Examiner rejected claims 1-4, 7, 8, and 19-27 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,244,046 to Council. The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Council in view of U.S. patent 6,843,321 to Carlsen. The Examiner rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Council in view of U.S. patent 6,386,290 to Headworth.

Council does not disclose the present invention as recited in claim 1, since, among other things, Council does not disclose a well assembly that includes a lubricator including a lubricator pipe element and moveable stripper/packer element. Rather, Council discloses telescoping tube assembly including stationary stuffing box/stripper. Thus, the present invention as recited in claim 1 substantially differs from the structure disclosed by Council in that the present invention as recited in claim 1 does not include a telescoping tube assembly including a stationary stripper. It follows that Council also does not disclose the present invention as recited in claim 19 since,

among other things, Council does not disclose connecting a moveable stripper/packer element to a well barrier module or retracting the lubricator pipe element through an injector module.

The telescoping tube assembly disclosed by Council swings away from an active position by releasing connectors 38 and 48 and actuates a hydraulic ram 35 to collapse the telescoping tube assembly when the tool is forwarded as described at col. 6, lines 1-13. On the other hand, the present invention as recited in claim 1 includes an injector module that is adapted to forward lubricator means through it when the injector package and lubricator package are connected to each other and to the well head to inject the wireline or coiled tubing connected to a tool or a toolstring into the well or well head. Even if the stuffing box/stripper 40 disclosed by Council were interpreted as moveable in that the telescoping tube assembly including the stuffing box/stripper swings away from and back to an active position, stuffing box/stripper disclosed by Council is fixedly arranged within the telescoping tube assembly. This differs from the present invention as recited in claim 1.

Additionally, Council does not disclose a well assembly that includes a lubricator including a lubricator pipe element and an associated moveable stripper/packer element adapted to be connected to a well barrier module on a well head.

The present invention as recited in claim 1 makes it possible to forward the stripper/packer element together with the lubricator tube and the coiled tubing to an active position in which the coiled tubing is connected to the well barrier module. Then, the remaining portion of the lubricator means can be retracted back through the injector to permit the injector to

grasp the coiled tubing. Moreover, the lubricator package, including the pipe and the stripper/packer, may be taken to the surface together with the tool after the operation. On the other hand, Council discloses utilizing a stationary stripper 40 that swings away from an active position when a tool is forwarded. Then, the coiled tubing must be released from the tool and retracted in order to enable the stripper to swing back and once again forwarded and connected to the tool through the stripper. This is a complicated procedure which is avoided by means of the present invention as recited in claim 1. It follows from the above, that Council does not disclose the present invention as recited in claim 19.

In view of the above, Council does not disclose all elements of the present invention as recited in claims 1 and 19 or claims 2-4, 7, 8, and 20-27, which depend from claims 1 and 19. Since Council does not disclose all elements of the present invention as recited in claims 1-4, 7, 8, and 19-27, the present invention, as recited in claims 1-4, 7, 8, and 19-27, is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (Fed. Cir. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. *See Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

The combination of Council and Carlsen does not suggest the present invention as recited in claim 10, which depends from claim 1, since, among other things, Council does not suggest a well assembly that includes a lubricator including a lubricator pipe element and moveable stripper/packer element, an injector module adapted to forward a lubricator through the injector module when the injector package and a lubricator package are connected to each other and to a well head to inject a wireline or coiled tubing connected to a tool or toolstring into a well or the well head, or a lubricator including a lubricator pipe element and an associated moveable stripper/packer element adapted to be connected to a well barrier module on a well head. Carlsen does not overcome these deficiencies of Council. The Examiner cites Carlsen as suggesting a subsea injector system. Providing the structure suggested by Council with the injector system suggested by Carlsen would not suggest the present invention as recited in claim 10.

The combination of Council and Headworth does not suggest the present invention as recited in claim 27, which depends from claim 19, since, among other things, Council does not suggest a method that includes forwarding a lubricator means including a lubricator pipe element and moveable stripper/packer element through an injector module. Headworth does not overcome this deficiency of Council. The Examiner cites Headworth as suggesting a surface injector. Providing the structure suggested by Council with a surface injector would not suggest the present invention as recited in claim 27.

In view of the above, the references relied upon in the office action, whether considered alone or in combination, do not disclose or suggest patentable features of the present invention.

Therefore, the references relied upon in the office action, whether considered alone or in combination, do not anticipate the present invention or make the present invention obvious. Accordingly, Applicant requests withdrawal of the rejections based upon the cited references.

In conclusion, Applicant respectfully requests favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicant respectfully urges the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

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